

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/840,045
Attorney Docket No. Q64014

REMARKS

Claims 1-10 are all the claims pending in the application.

Formal Matters

1. The drawings are objected to under 37 C.F.R. § 1.83(a) as failing to show labels.

Applicant submits herewith a Request for Approval of Proposed Drawing Corrections. The Examiner is therefore respectfully requested to withdraw the drawing objection.

Art Rejections

1. Claims 1-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matthews, U.S. Patent No. 4,757,525 ("Matthews"). Claim 1 is an independent claim. Applicant respectfully traverses this rejection for at least the reasons stated below.

Applicant notes that the Examiner has mistakenly applied Matthews as a §102(e) reference. Because the Matthews patent issued (July 12, 1988) more than one year prior to the U.S. filing date of the present application (April 24, 2001), Matthews is a § 102(b) reference. Applicant will treat it as such.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicants' claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

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In a non-limiting embodiment of the present invention, an efficient telecommunications system is provided. Specifically, a user of a first terminal may call a user of a second terminal. If the user of the second terminal is unavailable, a switch establishes a connection between the first terminal and a memory so that the user of the first terminal may leave a message for the second terminal. The user of the second terminal may automatically retrieve the stored message using a specific signal, generated by the first terminal, and associated with the message left by the first terminal in the memory. For example, the specific signal may be the telephone number of the first terminal. When the switch detects the specific signal, the switch automatically connects the second user with the memory, enabling the user of the second terminal to automatically retrieve the stored message that is associated with the specific signal.

Applicant submits that Matthews fails to disclose at least the following recitations of independent claim 1¹:

a memory for storing at least one message originating from said first terminal and destined for said second terminal, said at least one message being associated with a specific signal generated by said first terminal;

said second terminal comprising:

a generator for generating said specific signal to be sent to said switch, said specific signal indicating that a user of said second terminal is interested in said at least one message associated with said specific signal,

wherein in response to detecting said specific signal, said processor of said switch automatically orders

¹ Independent claims 5 and 10 include analogous recitations.

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said memory to generate and send said at least one message to said second terminal.

Matthews is directed to an electronic audio communications system with voice command features (*See e.g. Title*). More specifically, the voice message system enables a user to access the system through voice commands which are received and compared to pre-stored speaker independent digital templates (*See Abstract*). Upon accessing the system, an authorized user uses voice commands to control the system (*See Abstract*).

Matthews, however, fails to disclose, teach or suggest a specific signal being generated by a first terminal and associated with a message stored in memory. Matthews further fails to disclose enabling a second terminal to automatically access the stored message using the specific signal generated by the first terminal. The Examiner argues that Figure 21 and its supporting description discloses the above recitation. However, the inquiry function described in connection with Figure 21 does not disclose automatically ordering a memory to send a specific message to a user upon the detection of a specific signal generated by the first terminal that left the message. Rather, the user in Matthews must first establish a connection with the voice mail system (See Col. 40, lines 48-52). Upon establishing a connection, the user must perform an authorization function and then a command function in order to retrieve messages (See Col. 40, lines 55-67).

Furthermore, the inquiry function disclosed in Matthews can not be equated to the claimed specific signal because the inquiry function is not generated by a first terminal nor is the command function associated with a message left by the first terminal. Additionally, the user of

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a second terminal cannot automatically access a stored message using Matthew's inquiry function because the inquiry function is not associated with a saved message. For the above reasons, Matthews is inapposite from the claimed subject matter which enables a second terminal to automatically retrieve a stored message using a specific signal that is generated by the first terminal and associated with the stored message.

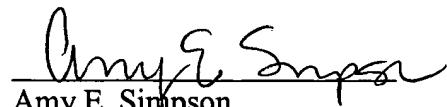
Because Matthews fails to disclose, teach or suggest each recitation, Matthews does not anticipate independent claims 1, 5 or 10. Furthermore, Applicant submits that dependent claims 2-4 and 6-8 are patentable at least by virtue of their dependency. The Examiner is therefore respectfully requested to withdraw the anticipation rejection from the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,


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